

SENATE BILL 740

R3, E1

01r3020
CF 01r0986

By: **Senator Jacobs**

Introduced and read first time: February 10, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Detectable Level of a Controlled Dangerous Substance or Its**
3 **Metabolites – Prohibition**

4 FOR the purpose of prohibiting a person from driving or attempting to drive any
5 vehicle while the person has a detectable level of a controlled dangerous
6 substance, or its metabolites, in the person's blood, if the person is not entitled
7 to use the controlled dangerous substance under the laws of the State;
8 establishing that a certain number of points be assessed against a certain
9 person for a certain offense; making a certain conforming change; making a
10 stylistic change; and generally relating to a prohibition on driving or attempting
11 to drive a vehicle while having a detectable blood level of a controlled dangerous
12 substance or its metabolites.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 16–402(a)(34), 21–902(d), and 27–101(q)(1)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 16–402.

22 (a) After the conviction of an individual for a violation of Title 2, Subtitle 5, §
23 2–209, or § 3–211 of the Criminal Law Article, or of the vehicle laws or regulations of
24 this State or of any local authority, points shall be assessed against the individual as
25 of the date of violation and as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (34) Driving while under the influence of alcohol, while
 2 under the influence of alcohol per se, [or] while
 3 impaired by an illegally used controlled dangerous
 4 substance, **OR WHILE HAVING A DETECTABLE LEVEL**
 5 **OF AN ILLEGALLY USED CONTROLLED DANGEROUS**
 6 **SUBSTANCE, OR ITS METABOLITES, IN THE**
 7 **PERSON’S BLOOD.....** 12 points

8 21-902.

9 (d) (1) A person may not drive or attempt to drive any vehicle while the
 10 person is impaired by any controlled dangerous substance, as [that term is] defined in
 11 § 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled
 12 dangerous substance under the laws of this State.

13 (2) **A PERSON MAY NOT DRIVE OR ATTEMPT TO DRIVE ANY**
 14 **VEHICLE WHILE THE PERSON HAS A DETECTABLE LEVEL OF A CONTROLLED**
 15 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW**
 16 **ARTICLE, OR IT METABOLITES, IN THE PERSON’S BLOOD, IF THE PERSON IS NOT**
 17 **ENTITLED TO USE THE CONTROLLED DANGEROUS SUBSTANCE UNDER THE LAWS**
 18 **OF THIS STATE.**

19 (3) A person may not violate paragraph (1) **OR (2)** of this subsection
 20 while transporting a minor.

21 27-101.

22 (q) (1) Any person who is convicted of a violation of § 21-902(a)(3) or
 23 [(d)(2)] **(D)(3)** of this article is subject to:

24 (i) For a first offense, a fine of not more than \$2,000 or
 25 imprisonment for not more than 2 years or both;

26 (ii) For a second offense, a fine of not more than \$3,000 or
 27 imprisonment for not more than 3 years or both; and

28 (iii) For a third or subsequent offense, a fine of not more than
 29 \$4,000 or imprisonment for not more than 4 years or both.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 31 October 1, 2010.